

# UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America

v.

MARIO LIMON

*Defendant(s)*

Case No. 15-mj-290

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of \_\_\_\_\_ in the county of Woodbury in the  
Northern District of Iowa, the defendant(s) violated:

*Code Section*

21 USC 846

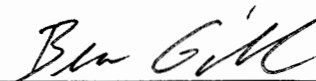
*Offense Description*

conspiracy distribute methamphetamine

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.



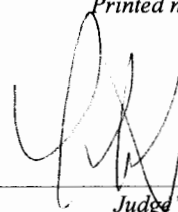
*Complainant's signature*

BENJAMIN GILL, DNE Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 9/23/15



*Judge's signature*

City and state: Sioux City, Iowa

LEONARD T. STRAND, U.S. Magistrate Judge

*Printed name and title*

~~COMPLAINT~~ <sup>BDG</sup> <sup>LTS</sup>  
**AFFIDAVIT FOR SEARCH WARRANT**

I, Benjamin Gill, duly sworn upon oath do solemnly states as follows:

Your affiant is employed as a State Police Officer with the Iowa Department of Public Safety and has been employed in this capacity since June of 2007. Your affiant is currently assigned to the DEA Sioux City, Iowa Resident Office as a Task Force Officer and has been in this position for over 3 years. During my employment with the Iowa Department of Public Safety, I have served as a Special Agent with the Division of Criminal Investigation for 3 years and a Special Agent with the Division of Narcotics Enforcement for almost 4 years.

During my 7 years as a State Police Officer and more recently as a Task Force Officer, I have had experience investigating drug offenses. This includes the use of court authorized wire intercepts, surveillance techniques, undercover recordings, informants, witness debriefings, and other techniques related to the manufacturing and trafficking of marijuana, methamphetamine, cocaine, and other controlled substances.

Your affiant states based upon training, experience, and participation in other investigations involving controlled substances, I believe that the following information is true:

- a. That drug traffickers very often make use of, or place assets, such as motor vehicles or property, in names other than their own to avoid detection of these assets by government agencies. Such vehicles and other assets are typically purchased with proceeds of drug trafficking or acquired for payments of debts for drug trafficking;
- b. That drug traffickers often utilize scales and packaging materials for the purpose of repackaging drugs for further distribution. These scales and materials are typically not destroyed or discarded and are kept on hand by drug traffickers as tools of the trade;
- c. That large-scale drug traffickers must often keep on hand large amounts of U.S. currency in order to maintain and finance their ongoing illicit drug business, and to pay day-to-day living expenses;
- d. That drug traffickers often maintain customer lists, transaction records, books, receipts, notes, accounts, ledgers, airline tickets, rental agreements, money orders and/or wire transfer receipts, and other papers relating to the transportation, ordering, purchasing, sale, and distribution of controlled substances.

That drug traffickers often keep and retain their records, notes, receipts, pay/owe ledgers, and other documentation, and that these items are not typically destroyed and/or disposed of;

e. That drug traffickers often possess firearms to protect themselves, their stash of drugs, and their assets, that these firearms are not typically disposed of and are kept at ready access, and that firearms are commonly traded for drugs by drug dealers;

f. That drug traffickers often exchange items of value other than currency for drugs, such as stolen property and goods;

g. That large-scale drug traffickers often utilize electronic equipment such as computers, telephone answering machines, pagers, and cellular telephones to; contact co-conspirators for the purpose of arranging the distribution of the methamphetamine, arranging the distribution of the methamphetamine, arranging the collections of money owed for illegal drugs purchased, for arranging the transportation of money collected for the drug debts, and for contacts to legitimate businesses whose goods and services are used to further the conspiracy; that illegal drug transporters take, or cause to be taken photographs and video of themselves, their associates, their properties and their products; that cellular phones contain stored information relevant to the investigation including stored phone numbers and names, missed calls with dates and times, received calls with dates and times, outgoing dialed calls with dates and times, text messages with dates and times, photos, videos, and voice mails.

h. That drug traffickers often use controlled substances and keep on hand items/paraphernalia utilized for the purpose of ingesting controlled substances and that these items/paraphernalia are not typically destroyed.

DEA Sioux City has been investigating the drug trafficking activities of Sebastian GARCIA-PEREZ and Mario LIMON since December 2014. Investigation has revealed GARCIA-PEREZ is a retail dealer of methamphetamine and is believed to be obtaining ounce quantities of methamphetamine from Mario LIMON.

DEA Sioux City has seized approximately 14 ounces of methamphetamine from GARCIA-PEREZ via controlled purchases and/or undercover purchases between December 2014 and September 2015. Agents believe the methamphetamine source of supply for GARCIA-PEREZ is Mario LIMON.

The following is a summary of this investigation.

### **December 16, 2014**

On December 16, 2014, DEA Sioux City agents utilized a DEA Confidential Source, hereinafter referred to as CS, to conduct an undercover purchase of approximately two (2) ounces of methamphetamine, hereinafter referred to as Exhibit 1, from Carlos REYNOSO-MENDEZ and a subject identified only as ANTONIO in South Sioux City, NE.

Surveillance observations made during this undercover purchase identified a small truck bearing Nebraska license plate 70-6149 parked near the residence this undercover purchase was taking place. Nebraska DMV records identified the owner of this vehicle as Mario LIMON.

This undercover purchase was successful and Exhibit 1 was sent to the DEA North Central Lab for analysis and latent fingerprint testing.

### **February 26, 2015**

On February 26, 2015, the DEA North Central Lab advised Exhibit 1 was identified as Methamphetamine Hydrochloride with a substance purity of 100% and a weight of 55.8 grams.

### **March 10, 2015**

On March 10, TFO Gill was contacted by South Sioux City Police Department Officer Rick Comstock and advised an anonymous tip identified Sebastian GARCIA-PEREZ as a methamphetamine dealer. SSCPD Officer Comstock advised GARCIA-PEREZ lived at 2000 Cavalier Way in Sioux City, IA, worked at Tyson Foods, that he drove a red Chevy Cavalier bearing Nebraska license plate 70-Z613 and that he is utilizing telephone number 712-266-5534. SSCPD Officer Comstock further advised GARCIA-PEREZ was also allegedly utilizing a minor to sell methamphetamine for him.

According to Nebraska DMV records, 70-Z613 is assigned to red 1997 Chevy Cavalier and registered to Sebastian Garcia-Perez at 300 W 22<sup>nd</sup> Street in South Sioux City, IA.

TFO Gill reviewed February toll records for GARCIA-PEREZ (712-266-5534) and noted GARCIA-PEREZ was in telephonic contact with the known phone of Mario LIMON.



### **March 23, 2015**

On March 23, 2015, the DEA North Central Lab advised one latent fingerprint suitable for identification was developed on a piece of baggie in Exhibit 1. No latent prints suitable for identification were developed on the remaining items in Exhibit 1. The latent fingerprint was compared to the known fingerprint card of Mario LIMON. This latent fingerprint, from the piece of baggie, was identified with the with the known fingerprint card of Mario LIMON.

### **July 30, 2015**

On July 30, 2015, an ATF Confidential Informant, hereinafter referred to as ATF CI, arranged the purchase of approximately one ounce of methamphetamine from GARCIA-PEREZ in Sioux City, IA. The ATF CI, who was accompanied by ATF SA Dodds in an undercover capacity, successfully purchased the approximate one ounce of methamphetamine and paid of the ATF CI's previous drug debt.

Surveillance observed GARCIA-PEREZ leave the meet location in a gray Pontiac G6 (AZH019- IA) and arrive at 2000 Cavalier Way in Sioux City, IA.

According to Iowa DMV records, Iowa AZH019 is assigned to a gray 2006 Pontiac G6 and registered to Irma TOPETE at 2000 Cavalier Way in Sioux City, IA.

### **August 5, 2015**

On August 5, 2015, ATF SA Dodds, acting in an undercover capacity, and an ATF CI conducted an undercover/controlled purchase of approximately two (2) ounces of methamphetamine from GARCIA-PEREZ at a location in South Sioux City, NE.

At approximately 5:32 pm, surveillance observed GARCIA-PEREZ arrive at 2000 Cavalier Way in Sioux City, IA.

At approximately 6:13 pm, surveillance observed GARCIA-PEREZ, a female and a small child leave 2000 Cavalier Way in Sioux City, IA in the gray Pontiac G6. Surveillance of GARCIA-PEREZ was lost for several minutes and when relocated agents advised the small child in the rear passenger area of the vehicle was no longer present.

At approximately 6:28 pm, surveillance observed GARCIA-PEREZ arrive at the meet location in South Sioux City, NE. GARCIA-PEREZ is observed meeting with ATF Dodds and ATF CI and enter the meet location.

At approximately 6:40 pm, surveillance observed GARCIA-PEREZ walk out of the meet location and leave the area. Surveillance is maintained on GARCIA-PEREZ as he stops at Wendy's in South Sioux City before arriving back at his residence, 2000 Cavalier Way, Sioux City, IA, at approximately 7:02 pm.

Surveillance of GARCIA-PEREZ was terminated minutes later.

### **August 20, 2015**

On August 20, 2015, ATF SA Dodds, acting in an undercover capacity, conducted an undercover purchase of approximately three (3) ounces of methamphetamine from GARCIA-PEREZ at a location in South Sioux City, NE. ATF SA Dodds advised the female with GARCIA-PEREZ during this undercover purchase, identified as Irma TOPEPE, had knowledge of the undercover purchase and was conducting translation for GARCIA-PEREZ and ATF SA Dodds.

At approximately 5:35 pm, surveillance observed the only vehicle parked at 2000 Cavalier Way in Sioux City, IA, was a red Chevy Cavalier bearing Nebraska license plate 70-Z613. According to Nebraska DMV records, 70-Z613 is assigned to a red Chevy Cavalier and registered to Sebastian GARCIA-PEREZ at 300 W 22<sup>nd</sup> Street in South Sioux City, NE.

At approximately 7:00 pm, TFO Gill advised ATF SA Dodds was in telephonic contact with GARCIA-PEREZ and advised GARCIA-PEREZ would not be able to meet with ATF SA Dodds until 10:00 pm this evening. As a result, surveillance of GARCIA-PEREZ was terminated.

At approximately 8:30 pm, members of DEA Sioux City established surveillance near 2000 Cavalier Way in Sioux City, IA and in Dakota City, NE.

At approximately 8:55 pm, surveillance observed GARCIA-PEREZ, who was operating the gray Pontiac G6, drive into Dakota City, NE and travel to the area of 19<sup>th</sup> and Hickory Street. Observations on the exact location GARCIA-PEREZ arrived were not noted as surveillance members could not get into an adequate position to observe.

The suspected methamphetamine source of supply, Mario LIMON, is believed to reside at 1900 Hickory Street, Trailer #3, in Dakota City, NE and has also been associated with 1900 Hickory Street, Trailer #15, in Dakota City, NE.

At approximately 9:03 pm, surveillance observed GARCIA-PEREZ leave Dakota City, NE and arrive at the WalMart in South Sioux City, NE. This was the agreed upon meet location with ATF SA Dodds.

At approximately 9:39 pm, surveillance observed GARCIA-PEREZ and a Hispanic female walk out of the WalMart and get into the Pontiac G6.

At approximately 9:41 pm, surveillance observed ATF SA Dodds meet with GARCIA-PEREZ and get into GARCIA-PEREZ' vehicle.

At approximately 9:45 pm, surveillance observed ATF SA Dodds get out of GARCIA-PEREZ' vehicle and all parties left the area.

Surveillance was maintained on GARCIA-PEREZ as he left WalMart and traveled to the Casey's General Store off Riverside Boulevard in Sioux City, IA. GARCIA-PEREZ entered the store and then returned to his vehicle.

At approximately 10:00 pm, surveillance observed GARCIA-PEREZ arrive at 2000 Cavalier Way in Sioux City, IA. Surveillance of GARCIA-PEREZ was terminated minutes later.

#### **August 26, 2015**

On August 26, 2015, ATF SA Dodds, acting in an undercover capacity, conducted an undercover purchase of approximately one (1) ounce of methamphetamine from GARCIA-PEREZ at a location in Sioux City, IA.

At approximately 5:40 pm, surveillance observed a red Cavalier and gray Pontiac G6 parked in the driveway of 2000 Cavalier Way, Sioux City, IA. The Cavalier is registered to GARCIA-PEREZ and the G6 is registered to Irma TOPETE.

At approximately 6:09 pm, ATF SA Dodds arranges to meet with GARCIA-PEREZ at a location in Sioux City, IA in ten minutes for the purpose of purchasing one (1) ounce of methamphetamine.

At approximately 6:28 pm, surveillance observed an individual out of 2000 Cavalier Way and get into the red Cavalier. The Cavalier was followed from the residence to the agreed upon meet location. This subject was not initially identified by surveillance but did arrive.

At approximately 6:32 pm, surveillance observed ATF SA Dodds arrive at the agreed upon meet location and get into the passenger seat of GARCIA-PEREZ' Cavalier.

At approximately 6:35 pm, surveillance observed ATF SA Dodds get out of the Cavalier and leave the area. GARCIA-PEREZ is observed walking into the business



at the agreed upon meet location and then returning back to his vehicle. GARCIA-PEREZ is then followed back to 2000 Cavalier Way.

At approximately 6:50 pm, surveillance of GARCIA-PEREZ is terminated.

### **September 3, 2015**

On 09-03-2015, at approximately 12:30 pm, members of DEA Sioux City established surveillance in the areas of 2000 Cavalier Way in Sioux City, IA and 1900 Hickory Street #3 in Dakota City, NE in anticipation of an undercover purchase of methamphetamine from Sebastian GARCIA-PEREZ. The Cavalier Way address is the known residence of GARCIA-PEREZ and the Hickory Street address is the suspected residence of Mario LIMON.

At approximately 12:50 pm, SA Minten advised a red Cavalier had left the residence of GARCIA-PEREZ. This vehicle, assigned Nebraska license plate 70-Z613, is described as a red 1997 Chevy Cavalier registered to Sebastian GARCIA-PEREZ at 300 W 22nd Street in South Sioux City, NE.

At approximately 1:02 pm, TFO Albrecht observed the Cavalier park in the driveway of 719 W 7th Street in South Sioux City, NE. TFO Eric Davis advised GARCIA-PEREZ was walking into the garage of this residence. At approximately the same time TFO Albrecht advised a female left this residence in 70-BR80. TFO Davis advised the 70-Z323 was also parked in the driveway of this residence.

According to NCJIS, 70-Z323 is assigned to a red 2013 Toyota Camry and registered to Chanmaly Vangkham at 719 W 7th Street in South Sioux City, NE.

According to NCJIS, 70-BR80 is assigned to a purple 1996 Chevrolet Lumina to Ricardo Ortiz-Hernandez at 1520 Atokad Drive #112 in South Sioux City, NE.

At approximately 1:07 pm, TFO Hansen observed GARCIA-PEREZ walk out of the garage towards his vehicle with a white shopping type bag in his hand. GARCIA-PEREZ was described as wearing a green shirt and white shorts. He left the residence southbound towards Highway 77.

At approximately 1:20 pm, TFO Ragar observed GARCIA-PEREZ arrive at a trailer park located at 1900 Hickory Street in Dakota City, NE and park near trailer #15. TFO Ragar advised a silver car was parked near this trailer.

At approximately 1:48 pm, SA Schmitt observed GARCIA-PEREZ leave the trailer park through the north entrance/exit and travel towards Broadway Street.



At approximately 1:49 pm, SA Schmitt drove past trailer #15 and identified the silver car noted by TFO Ragar as having Nebraska license plate 70-BU47.

According to NCJIS, 70-BU47 is assigned to a silver 2006 Saturn Ion and registered to Mario LIMON at 1900 Hickory #3 in Dakota City, NE. Additional vehicles parked in the area of trailer #15 included 70-7660, a white 2005 Chevy truck registered to Consuelo De La Torres at 1900 Hickory Street #3 in Dakota City, NE, and CURIEL1, a tan 2001 Kia registered to Isaac Curiel-Tovar at 1203 1st Avenue #66 in South Sioux City, NE.

At approximately 2:00 pm, TFO Albrecht observed GARCIA-PEREZ stop at the Casey's General Store on Riverside Boulevard in Sioux City, IA.

At approximately 2:10 pm, TFO Davis observed GARCIA-PEREZ leave the Casey's General Store and travel northbound on Riverside Boulevard.

At approximately 2:13 pm, SA Minten advised GARCIA-PEREZ arrived at his residence, 2000 Cavalier Way.

At approximately 2:33 pm, TFO Gill observed Irma TOPETE get into the passenger seat of a gray Pontiac G6 (AZH019 - Iowa) which was parked in the driveway of 2000 Cavalier Way. TFO Gill advised TOPETE was wearing a purple shirt with white shorts and carrying a white bag. TFO Gill could not see what other occupants got into the G6 due to visual obstruction. This vehicle departed the residence moments later. AZH019 (Iowa) is registered to Irma TOPETE at 2000 Cavalier Way in Sioux City, IA.

At approximately 2:36 pm, TFO Hansen observed the G6 parked on the south side of the Kum-N-Go located at 2026 Riverside Boulevard. No observations on the driver or occupants were noted by TFO Hansen.

At approximately 2:40 pm, TFO Martinez observed ATF SA Zane Dodds make contact with GARCIA-PEREZ and get into the G6.

At approximately 2:42 pm, TFO Martinez observed ATF SA Dodds get out of the G6 and depart the area. At approximately the same time TFO Martinez advised GARCIA-PEREZ got out of the G6 and went into the Kum-N-Go.

At approximately 2:44 pm, TFO Martinez observed GARCIA-PEREZ walk out of the Kum-N-Go with TOPETE and a small child. All parties got into the G6 and left the store westbound on 19th Street.

At approximately 2:56 pm, TFO Albrecht observed GARCIA-PEREZ park on 16th Street and walk north through an alley between Jones and Jackson Streets.

At approximately 2:58 pm, TFO Davis and SA Minten observed GARCIA-PEREZ standing on the porch of 1609 Jones Street talking to an unknown subject.

At approximately 3:00 pm, TFO Albrecht observed GARCIA-PEREZ arrive at his vehicle on 16th Street and depart the area.

At approximately 3:15 pm, SA Minten advised GPS tracking data placed GARCIA-PEREZ at his residence, 2000 Cavalier Way.

At approximately 3:22 pm, physical surveillance of GARCIA-PEREZ was terminated.

### **September 8, 2015**

On September 8, 2015, a remote surveillance camera was installed in the area of 1900 Hickory Street, Trailer #15, in Dakota City, NE. Days later an additional remote surveillance camera is re-installed in the area of 1900 Hickory Street, Trailer #3, in Dakota City, NE.

### **September 23, 2015**

On September 23, 2015, ATF SA Zane Dodds, while acting in an undercover capacity, arranged an undercover purchase of approximately 10 ounces of methamphetamine from GARCIA-PEREZ. SA Dodds advised GARCIA-PEREZ agreed to distribute the methamphetamine to SA Dodds later in the day.

At approximately 11:25 am, agents established surveillance on GARCIA-PEREZ' red Chevy Cavalier in the Tyson Foods parking lot in Dakota City, NE.

At approximately 11:53 am, TFO Johnson observed LIMON's white Chevy Malibu driving in the area of the Elementary School in Dakota City, NE. TFO Johnson could not identify the driver.

At approximately 12:40 pm, TFO Davis advised GARCIA-PEREZ' vehicle was moving in the Tyson Foods parking lot. Surveillance followed this vehicle into Dakota City and observed it parking outside 1900 Hickory Street, Trailer #15, in Dakota City, NE. The only other vehicle parked at Trailer #15 at this time is a silver 2006 Saturn Ion (70-BU47), which is registered to Mario LIMON at 1900 Hickory #3 in Dakota City, NE.

At approximately 12:49 pm, SA Schmitt observes Mario LIMON arrive in his white Chevy Malibu (70-BS25) and park outside Trailer #15 via remote camera surveillance. TFO Gill advised it appeared LIMON unlocked the door of Trailer #15 and that LIMON and GARCIA-PEREZ both entered the Trailer.

At approximately 12:52 pm, SA Schmitt, via remote surveillance camera, observed LIMON and GARCIA-PEREZ walk out of Trailer #15 and walk to their respective vehicles. Physical surveillance is maintained as GARCIA-PEREZ travels out of Dakota City to Highway 20 and merges onto northbound I-29 in Iowa towards downtown Sioux City.

At approximately 12:55 pm, SA Schmitt, via remote surveillance camera, observed LIMON arrive at Trailer #3 in his white Chevy Malibu. LIMON unlocks the front door and walks into the Trailer.

At approximately 12:58 pm, SA Schmitt, via remote surveillance camera, observed LIMON approach Trailer #15 from the north. Surveillance agents advised LIMON had parked his white Chevy Malibu in front of Trailer #3 moments before this observation. It should be noted that Trailer # and Trailer #15 are a very short distance apart. SA Schmitt could not confirm LIMON entered Trailer #15 at this time.

At approximately 1:00 pm, SA Schmitt, via remote surveillance camera, observed LIMON exit Trailer #15 carrying a bulky item hidden underneath his shirt with his right hand. LIMON steps out of camera view towards the north.

At approximately 1:01 pm, SA Schmitt, via remote surveillance camera, observed LIMON step back into camera view from the same location he left. It appeared LIMON did not have the bulky item underneath his shirt at this time. SA Schmitt believes LIMON went back into Trailer #15 as the exterior was closed, however, a visual observation was not made due to camera skip.

At approximately 1:03 pm, SA Schmitt, via remote surveillance camera, observed LIMON exit Trailer #15 and depart in his Saturn Ion moments later.

GARCIA-PEREZ is followed to the Riverside Blvd where marked Sioux City Police Department units conduct a traffic stop on him for no valid driver's license.

GARCIA-PEREZ was detained and a search of his vehicle yielded a small amount of suspected methamphetamine.

GARCIA-PEREZ was transported to Sioux City Police Department and provided a post-Miranda statement which included the following:



(1) GARCIA-PEREZ admitted to selling 2 ounces of methamphetamine to an undercover agent #1 in December 2014 and those 2 ounces were provided by Mario LIMON

(2) GARCIA-PEREZ admitted to selling methamphetamine to undercover agent #2 on all previously described transactions and all the methamphetamine for these transactions was provided to GARCIA-PEREZ by LIMON. And for these transactions with LIMON, GARCIA-PEREZ would go to trailer #15, at 1900 Hickory Street, Dakota City, NE and meet LIMON for the methamphetamine and sometimes he would meet LIMON at the Dollar Store in the Riverside area of Sioux City, Iowa

(3) on one of the controlled buy transactions GARCIA-PEREZ went to LIMON's trailer #15, at 1900 Hickory Street, Dakota City, NE and could hear a noise he described that agents know is consistent with a heat-sealing package machine and GARCIA-PEREZ was given the approximate 5 ounces of methamphetamine for the transaction by LIMON in trailer #15 in a heat sealed package

(4) GARCIA-PEREZ said there is currently eight ounces of methamphetamine in GARCIA-PEREZ's bedroom of his residence at 2000 Cavalier Way in Sioux City, Iowa

(5) GARCIA-PEREZ said he believes LIMON resides at trailer #3, 1900 Hickory Street, Dakota City, NE (LIMON's aunt's trailer) and is working on trailer #15, 1900 Hickory Street, Dakota City, NE

LTS 576 GARCIA-PEREZ said LIMON delivered the eight ounces of methamphetamine to GARCIA-PEREZ at Tyson where GARCIA-PEREZ works and told GARCIA-PEREZ to hold onto them for LIMON.

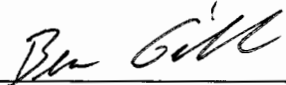
## SUMMARY

Based on the information contained in this affidavit your Affiant believes Mario LIMON is the methamphetamine source of supply to Sebastian GARCIA-PEREZ. Your Affiant further believes LIMON maintains a quantity of methamphetamine in Trailer #15 located at 1900 Hickory Street in Dakota City, NE.

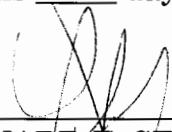
This investigation has encompassed approximately ten months and the seizure of approximately 12 ounces of methamphetamine between December 2014 and September 2015.



Based on the above facts, affiant believes there is probable cause to believe that MARIO LIMON is involved in a conspiracy to distribute methamphetamine in the Northern District of Iowa in violation of 21 U.S.C. § 846.

  
\_\_\_\_\_  
Benjamin Gill  
DNE Special Agent

SWORN to before me and signed in my presence this 23 day of September, 2015.

  
\_\_\_\_\_  
LEONARD T. STRAND  
U.S. Magistrate Judge  
Northern District of Iowa